UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	X	USDC SDNY DOCUMENT ELECTRONICALLY WILLD DOC#:
VERITIV OPERATING COMPANY, Petitioner, v.	:	ORDER
CENTRAL NATIONAL GOTTESMAN, INC., Lindenmeyr Central, Respondent.	:	22 MC 250 (VB)

Pending before the Court is petitioner's motion to compel respondent's compliance with a third-party subpoena for documents issued by the U.S. District Court for the Western District of Kentucky in a case entitled Veritiv Operating Company v. Phoenix Paper Wickliffe, LLC, case no. 5:21-cv-170. Respondent has so far refused to comply with the subpoena. A cursory review of the papers filed in support of and in opposition to the motion reveal that the decision on the motion will require an in-depth understanding of the legal and factual issues involved in the case pending in Kentucky.

Under Fed. R. Civ. P. 45(f), this Court may transfer the pending motion to the issuing court "if the person subject to the subpoena consents or if the court finds exceptional circumstances." Here, because the resolution of the motion by the issuing court would be in the interest of judicial economy and also be consistent with the "just, speedy, and inexpensive" mandate of Fed. R. Civ. P. 1, the Court is considering transferring the motion pursuant to Rule 45(f).

Although a transfer pursuant to Rule 45(f) would not require respondent's consent, by November 18, 2022, respondent is directed to advise this Court by letter not to exceed three pages in length whether it consents to a Rule 45(f) transfer, and if not, why not.

Dated: November 15, 2022 White Plains, NY

SO ORDERED:

Vincent L. Briccetti

United States District Judge